

## Fare Enforcement Options

Rev. 03/14/2019

### What we know:

- With a low fare evasion rate, high customer satisfaction, and minimal documented complaints, our current fare enforcement program is seen as highly effective. Other agencies, including KCM, have been referred to Sound Transit as a model.
- Sound Transit's fare enforcement program is dedicated to ensuring the safety and security of our riding public, and to treating our customers respectfully and equally.
- We want to ensure fairness for our paying customers and maintain our low fare evasion rate.
- There is vocal community concern about the equity impacts of enforcement program, especially for riders who cannot afford to pay, and "criminalization" of what may be perceived as petty infractions, such as failing to pay fare.
  - There is also interest from some King County stakeholders in fare enforcement "harmony" between Sound Transit and King County Metro, which recently changed their fare enforcement policies.
- Current consideration for policy options is constrained to those who are deemed to be **cooperative** (willingly provide requested information, follow direction to debark if required, etc.) with Fare Enforcement Officers and law enforcement should they be warned or cited for fare evasion.
- The adoption of any of the options outlined here may require additional policy, financial, and legal analysis and/or approval from the Board.

### Timeline:

3/1/2019	Cross-functional meeting to begin discussing agency perspectives on
3/4/2019	Follow up meeting to make progress toward identifying options for the CEO to review
Week of 3/18	Follow up meetings as needed to narrow down options and identify and task additional analysis
3/25/2019	Deadline to submit written responses to King County Council Committee on Mobility and the Environment questions
Week of 3/25	Submit written memo to CEO containing options and staff recommendations and meet to discuss
4/4/2019	Presentation to the ST Board REO Committee on current fare enforcement program and any tweaks or changes we may be implementing to address concerns
4/16/2019	Brief King County Council Committee on Mobility and the Environment alongside King County Metro on current fare enforcement program and any tweaks or changes we may be implementing to address concerns
TBD	Determine need for continued meetings and implementation tracking

Phase	Option	Purpose	Opportunities/Risks	Add'l Questions
Process or approach changes prior to the "fourth strike"	1. Increase number of warnings and/or civil citations before misdemeanor "theft of service" charge	Build in more "benefit of the doubt", which will help especially those who may be disproportionately impacted by the current procedure  Decrease likelihood of a citation, fine, or, ultimately a misdemeanor for all riders	<b><u>Opportunities</u></b> - Provide more opportunities for evaders to change behavior before getting a misdemeanor  <b><u>Risks</u></b> - May increase administrative load for citations - Too many strikes allowed may be too permissive to incentivize behavior change	Potential impact on citation caseload?
	2. Shorten the 365-day rolling cycle (e.g. to a 180-day cycle) for "strike" accumulation	Build in more "benefit of the doubt"  Decrease likelihood of a citation, fine, or, ultimately a misdemeanor for all riders	<b><u>Opportunities</u></b> - More offenses in a shorter amount of time *may* clarify intent to evade - Shorter cycle may expedite overall processing time for evaders, and clear out those who truly forgot quicker  <b><u>Risks</u></b> - Too short a cycle may be too permissive to incentivize behavior change	Impact on caseload?
	3. Targeted education campaign for very low-income riders	Decrease likelihood of a citation/disproportionate impact on very low-income riders due to lack of awareness	<b><u>Opportunities</u></b> - Increase awareness of LIFT program - Result in higher usage and lower evasion rates for those	Potentially hand out resource/info cards to everyone cited

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			who can afford the discounted rate	
	4. General on-board education campaign on FE citation elevation process	<p>Decrease likelihood of perceived disparate treatment</p> <p>Increase likelihood of awareness of consequences as potential disincentive</p>	<p><b><u>Opportunities</u></b></p> <ul style="list-style-type: none"> <li>- Increase awareness of why some people may be cited differently (warning for one vs. ticket for another)</li> <li>- Disincentivize fare evasion by making consequences/contact points clearer</li> </ul>	
	5. Collect more comprehensive data internally and request data regularly from the court or other sources re: the impacts of ST FE citations and referrals	<p>ST takes fuller responsibility for impacts of our program</p> <p>Better prepared to address, and if necessary, mitigate, community concerns directly</p> <p>Better information on which to consider policy changes</p>	<p><b><u>Opportunities</u></b></p> <ul style="list-style-type: none"> <li>- Better understand the impacts of our referrals</li> <li>- Be able to answer questions about our impacts directly (vs. referring those interested to the court)</li> <li>- We can't fix or mitigate what we don't know about</li> </ul>	<p>Additional data could include:</p> <ul style="list-style-type: none"> <li>- resolution of all ST-referred cases</li> <li>- number of ST citations that are unpaid and move to collections</li> <li>- how many tickets in collections escalate further (e.g. wage garnishment, etc.)</li> <li>- income, sheltered/unsheltered, racial demographics of current riders</li> <li>- independent research into who doesn't pay and why</li> </ul>
	6. Petition district court to allow those cited for fare evasion to appeal at their local court (or expand venues beyond just Shoreline)	Increase court access to those able to show up	<p><b><u>Opportunities</u></b></p> <ul style="list-style-type: none"> <li>- Allow easier access for those who can to appeal and possibly nullify their citation and fine</li> </ul> <p><b><u>Risks</u></b></p> <ul style="list-style-type: none"> <li>- We have no control over the court's choice of venues to hear cases.</li> </ul>	

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			- Having to go to court at will still be intimidating for some; others may not be able to appear due to other institutional barriers	
	7. Review and potentially decrease fee for citations from \$124 to be less punitive/ensure punishment fits the crime	<p>Increase likelihood of ability to pay fine (decrease likelihood of collections involvement)</p> <p>Ensure the punishment is equitable</p>	<p><b><u>Opportunities</u></b></p> <p>- May be perceived as a more equitable punishment for evading a \$2.50 fare</p> <p><b><u>Risks</u></b></p> <p>- ST would have to cover any resulting delta between the lowered fine and the current \$124 fine that was set by the Board and covers administrative court fees.</p> <p>- A steep fine early on *may* be an effective deterrent</p>	- Cost of the difference between \$124 and a proposed lower fine X number of first citations in a 365-day period
	8. Review/reinforce/verify training of ST FE Officers and contracted law enforcement for anti-bias, de-escalation, and customer service	Decrease likelihood of unnecessary escalation and potential danger to riders and the officers	<p><b><u>Opportunities</u></b></p> <p>- Demonstrate ST commitment to customer focus and equity</p> <p>- Effective training would continually keep bias down</p>	
	9. Implement equity tool and analysis focused on fare enforcement implementation and impacts	Decrease likelihood of inequitable policies and implementation practices	<p><b><u>Opportunities</u></b></p> <p>- Demonstrate ST commitment to equity</p> <p>- Effective use would surface currently unknown impacts/risks</p>	Who would develop the tool?
	10. Examine technical limits that require ORCA load delay (can take 24 hours for funds to load on card)	Decrease likelihood of citation for riders who can only load a small amount daily		

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	11. Examine options for structural (access, digital, signage, wayfinding, etc.) changes to make paying even easier	Decrease likelihood of evasion due to inability to pay		Need to understand what options have been considered before
Direct alternatives to current “fourth strike” process	1. Bring adjudication in-house (request and secure deputization of current in-house legal staff to adjudicate court referrals)		<p><b><u>Opportunities</u></b></p> <ul style="list-style-type: none"> <li>- No longer automatically “criminalize” with referral to prosecutor for them to decide who to prosecute on our behalf</li> <li>- More control over a process that the public will hold the agency accountable for in any case</li> </ul> <p><b><u>Risks</u></b></p> <ul style="list-style-type: none"> <li>- Some cases will still be referred to the prosecutor</li> <li>- Adjudicating in-house may still be perceived as unfair or unequitable</li> </ul>	Do we have the in-house resources to balance with current legal workload?
	2. Secure a dedicated case development deputy prosecutor to focus on ST referrals		<p><b><u>Opportunities</u></b></p> <ul style="list-style-type: none"> <li>- More efficient; assigned prosecutor would follow the case from beginning to end; follow through as an advocate for rider and ST</li> <li>- Keeps the adjudication process outside of ST</li> </ul> <p><b><u>Risks</u></b></p> <ul style="list-style-type: none"> <li>- Nominal change to current process</li> <li>- More costly to ST than current process</li> </ul>	How much would this cost? What would be the process?

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	3. Refer qualified fare evaders to social services (hire an FTE to handle—this could potentially apply in earlier stages, like the first citation after the second warning)		<b><u>Opportunities</u></b> - May be a successful intervention and help avoid court/fines altogether  <b><u>Risks</u></b> - Potential perceived weakening of consequences for repeat offenders	What would the workload be? How much would this cost? How would we determine who is qualified and when?
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